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Of Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MEDFORD DIVISION

RICARDO ORDONEZ GREGORIO,
GILBERTO GARCIA ORDONEZ,
ANDRES ORDONEZ JIMENEZ, GABRIEL
GREGORIO HERNANDEZ, JULIO
CARDONA ORDONEZ, JOAQUIN
ORDONEZ CARDONA, ALFREDO
ORDONEZ CARDONA, ALICIA
HERNANDEZ GREGORIO, ELMER
ESCALANTE GREGORIO, ROGELIO
ORDONEZ ANDRES, ISMAEL ORDONEZ
ANDRES, GABRIEL GARCIA ORDONEZ,
ANDRES SANTOS VELASQUEZ,
CELESTINO HERNANDEZ CARDONA,
JUAN ANDRES GOMEZ, ANDRES
VELASQUEZ FABIAN, CEFERINO
LEONEL GOMEZ,

Plaintiffs,

Case No.: 1:21-cv-01078-CL

**DEFENDANTS' ANSWER AND
DEFENSES TO PLAINTIFFS'
AMENDED COMPLAINT**

Demand for Jury Trial

v.

COLT JAMISON HANSEN, an individual,
WESTCOAST GROWERS, LLC.,
TOPSHELF HEMP, LLC, FIRE HEMP,
LLC.

Defendants.

DEFENDANTS' ANSWERS AND DEFENSES

Defendants Colt Jamison Hansen, Westcoast Growers, LLC., Topshelf Hemp, LLC., and Fire Hemp, LLC., by and through undersigned counsel, answers Plaintiffs' Complaint as follows:

I. PRELIMINARY STATEMENT

1. Defendants neither admit nor deny allegations in the first sentence of this Paragraph of the Complaint because it states a legal conclusion. Defendants neither admit nor deny the rest of the Paragraph.

2. Defendants neither admit nor deny allegations of this Paragraph because statement of this Paragraph's intent.

II. JURISDICTION AND VENUE

3. Defendants neither admit nor deny allegations in Paragraph 3 of the Complaint because it states a legal conclusion.

4. Defendants neither admit nor deny allegations in Paragraph 4 of the Complaint because it states a legal conclusion.

5. Defendants neither admit nor deny allegations in Paragraph 5 of the Complaint because it states a legal conclusion.

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III. PARTIES

6. Denied.

7. Denied.

8. Denied.

9. Denied.

10. Denied.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

22. Denied.

23. Defendants neither admit nor deny allegations in Paragraph 23 of the Complaint because it states a legal conclusion.

24. Admitted.

25. Defendants neither admit nor deny allegations in Paragraph 25 of the Complaint because it states a legal conclusion.

26. Denied.

27. Denied.

28. Defendants neither admit nor deny allegations in Paragraph 28 of the Complaint because it states a legal conclusion.

29. Defendants neither admit nor deny allegations in Paragraph 29 of the Complaint because it states a legal conclusion.

30. Defendants neither admit nor deny allegations in Paragraph 30 of the Complaint because it states a legal conclusion.

31. Denied.

32. Defendants neither admit nor deny allegations in Paragraph 32 of the Complaint because it states a legal conclusion.

IV. FACTS

33. Denied.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

38. Denied.

39. Denied.

40. Defendants neither admit nor deny allegations of Paragraph 40 of Complaint because they lack sufficient information to form a belief as to the truth of the matter asserted.

41. Defendants neither admit nor deny allegations of Paragraph 41 of Complaint because they lack sufficient information to form a belief as to the truth of the matter asserted.

42. Defendants neither admit nor deny allegations of Paragraph 41 of Complaint because they lack sufficient information to form a belief as to the truth of the matter asserted.

43. Defendants neither admit nor deny allegations of Paragraph 43 of Complaint because they lack sufficient information to form a belief as to the truth of the matter asserted.

44. Defendants neither admit nor deny allegations of Paragraph 44 of Complaint because they lack sufficient information to form a belief as to the truth of the matter asserted.

45. Defendants neither admit nor deny allegations of Paragraph 45 of Complaint because they lack sufficient information to form a belief as to the truth of the matter asserted.

46. Denied.

47. Denied. Defendants did not provide housing for Plaintiffs. Defendants neither admit nor deny the remaining allegations in Paragraph 47 of the Complaint because it states a legal conclusion.

48. Denied. Defendants did not provide housing for Plaintiffs. Defendants neither admit nor deny the remaining allegations in Paragraph 48 of the Complaint because it states a legal conclusion.

49. Denied. Defendants did not provide housing for Plaintiffs. Defendants can neither admit nor deny the remaining allegations of Paragraph 49 of Complaint because they lack sufficient information to form a belief as to the truth of the matter asserted.

50. Defendants neither admit nor deny allegations of Paragraph 50 of Complaint because they lack sufficient information to form a belief as to the truth of the matter asserted.

51. Defendants neither admit nor deny allegations of Paragraph 51 of Complaint because they lack sufficient information to form a belief as to the truth of the matter asserted.

52. Defendants neither admit nor deny allegations of Paragraph 52 of Complaint because they lack sufficient information to form a belief as to the truth of the matter asserted.

53. Defendants neither admit nor deny allegations of Paragraph 53 of Complaint because they lack sufficient information to form a belief as to the truth of the matter asserted.

54. Defendants neither admit nor deny allegations of Paragraph 54 of Complaint because they lack sufficient information to form a belief as to the truth of the matter asserted.

55. Defendants neither admit nor deny allegations of Paragraph 55 of Complaint because they lack sufficient information to form a belief as to the truth of the matter asserted.

56. Denied. Defendants did not provide housing for Plaintiffs. Defendants can neither admit nor deny the remaining allegations of Paragraph 56 of Complaint because they lack sufficient information to form a belief as to the truth of the matter asserted.

57. Defendants neither admit nor deny allegations of Paragraph 57 of Complaint because they lack sufficient information to form a belief as to the truth of the matter asserted.

58. Defendants neither admit nor deny allegations of Paragraph 58 of Complaint because they lack sufficient information to form a belief as to the truth of the matter asserted.

59. Defendants neither admit nor deny allegations of Paragraph 59 of Complaint because they lack sufficient information to form a belief as to the truth of the matter asserted.

60. Defendants neither admit nor deny allegations of Paragraph 60 of Complaint because they lack sufficient information to form a belief as to the truth of the matter asserted.

61. Defendants neither admit nor deny allegations of Paragraph 61 of Complaint because they lack sufficient information to form a belief as to the truth of the matter asserted.

62. Defendants neither admit nor deny allegations of Paragraph 62 of Complaint because they lack sufficient information to form a belief as to the truth of the matter asserted.

63. Defendants neither admit nor deny allegations of Paragraph 62 of Complaint because they lack sufficient information to form a belief as to the truth of the matter asserted

64. Denied.

65. Denied.

66. Denied.

67. Defendants neither admit nor deny allegations of Paragraph 67 of Complaint because they lack sufficient information to form a belief as to the truth of the matter asserted.

68. Denied.

69. Denied.

70. Defendants neither admit nor deny allegations in Paragraph 70 of the Complaint because it states a legal conclusion.

71. Defendants neither admit nor deny allegations in Paragraph 71 of the Complaint because it states a legal conclusion.

72. Denied.

73. Denied.

74. Denied.

75. Denied.

76. Defendants neither admit nor deny allegations in Paragraph 76 of the Complaint because it states a legal conclusion.

77. Denied.

78. Defendants admit that Plaintiffs made a written demand for what they characterized as unpaid wage and penalties to at least one of the Defendants.

79. Denied.

80. Denied. Defendants have never been informed of such a complaint.
81. Denied.

V. CLAIMS FOR RELIEF

FIRST CLAIM:

(Migrant and Seasonal Agricultural Worker Protection Act (AWPA))

82. Defendants incorporate previous responses as if fully restated herein.
83. Denied.
84. Denied.

SECOND CLAIM:

(Oregon Camp Operator Registration Act (CORA) ORS 658.750)

85. Defendants incorporate previous responses as if fully restated herein.
86. Denied
87. Denied.
88. Denied.

THIRD CLAIM:

(Oregon Contractor Registration Act (OCRA) ORS 658.440)

89. Defendants incorporate previous responses as if fully restated herein.
90. Denied.
91. Denied.

FOURTH CLAIM:

(Nonpayment of Wages ORS 652.145)

92. Defendants incorporate previous responses as if fully restated herein.
93. Denied

94. Denied.

94. Denied.

FIFTH CLAIM:

(Late Payment of Wages ORS 652.150)

95. Defendants incorporate previous responses as if fully restated herein.

96. Denied.

97. Denied.

98. Denied

SIXTH CLAIM:

(Fair Labor Standards Act (FLSA))

99. Defendants incorporate previous responses as if fully restated herein.

100. Denied

101. Defendants neither admit nor deny allegations in Paragraph 101 of the Complaint because it states a legal conclusion.

102. Denied.

103. Denied.

104. Denied.

DEFENSES

Defendants allege the following defenses. By listing a defense here, Defendants do not take a position as to whether the defense is or is not an affirmative defense or accept the burden of proof on an issue if the law does not otherwise impose such burden upon it.

1. Defendants object to the trial of any issue not expressly raised by the pleadings. Defendants do not expressly or impliedly consent to the trial of such issues, and none of its actions shall be so construed.

2. Plaintiffs have failed to state a claim upon which relief can be granted.

3. Plaintiffs failed to satisfy all conditions precedent to their claims for relief.

4. Plaintiffs failed to exhaust their administrative remedies. Among other things, they should have first filed a Complaint with BOLI before suing under the Oregon Contractors' Registration Act. Defendants have no information that such a Complaint ever filed.

6. Defendants have fully performed their duties under all agreements or acts, and no other duties or obligations to Plaintiffs exist.

7. Plaintiffs have waived a right to recover, have otherwise released their claims against Defendants, or have otherwise ratified Defendants' acts.

8. Defendants are not the proper defendants in this action. Plaintiffs have failed to join a necessary party without whom the matters herein cannot be properly adjudicated.

9. Defendants did not employ Plaintiffs and cannot be held liable for action or inaction of a third party.

VI. PRAYER FOR RELIEF

WHEREFORE, having fully answered the Complaint, Defendants pray for the entry of judgment as follows:

1. Dismissing Plaintiffs' claims with prejudice.

2. Awarding Defendants their costs and disbursements incurred herein.

3. Granting such additional relief as the Court deems just and appropriate.

Defendants deny that any relief is due and denies allegations that may be plead in the prayer of relief.

DEFENDANTS HEREBY FURTHER REQUEST A TRIAL BY JURY ON ALL ISSUES TRIABLE BY JURY.

Dated this 5th day of October, 2021.

FROHNMAYER, DEATHERAGE, JAMIESON,
MOORE, ARMOSINO & McGOVERN, PC,

s/ Casey S. Murdock

Casey S. Murdock, OSB #144914

Murdock@fdfirm.com

Of Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **DEFENDANTS' ANSWER AND DEFENSES TO PLAINTIFFS' AMENDED COMPLAINT** upon:

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by automatic electronic transmission via the Court's Case Management and Electronic Case Filing practice.

DATED this 5th day of October, 2021.

FROHNMAYER, DEATHERAGE, JAMIESON,
MOORE, ARMOSINO & McGOVERN, P.C.

s/ Casey S. Murdock

Casey S. Murdock, OSB #144914

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Of Attorneys for Defendants